



CPA/2826#
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Tatsuya SHIMODA et al.

Application No.: 09/403,543

Filed: October 25, 1999

For: THREE-DIMENSIONAL DEVICE

Group Art Unit: 2826

Examiner: R. Fordé

Docket No.: 104270

#14
Response
3/5/02
TECHNOLOGY CENTER 2800

PRELIMINARY REMARKS

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

Claims 1-27 are pending.

On January 25, 2002, the PTO mailed a communication indicating that the January 9, 2002 Supplemental Amendment was non-responsive because it resulted in all remaining claims (claims 1-27) being directed to a non-elected invention (a method). Since this CPA is filed as a Divisional, Applicants submit that the method claims can now be examined. That is, by this CPA and these Remarks, Applicants hereby elect the invention recited in claims 1-27 submitted in the January 9 Supplemental Amendment.

I. The Claims Define Patentable Subject Matter

The June 29 Office Action rejects claims 1-9 and 12-14 under 35 U.S.C. §102(a) over Zavracky et al. (U.S. Patent No. 5,656,548); and claim 10 under 35 U.S.C. §103(a) over Zavracky et al. in view of Yoshizawa et al. (U.S. Patent No. 5,819,406). These rejections are respectfully traversed.

During the December 19 interview, Examiner Flynn and Examiner Fordé indicated that claims 21-25 are allowable over the applied references. For similar reasons, claims 1-20 which are rewritten as method claims, should also be indicated as being allowable.

For at least these reasons, it is respectfully submitted that claims 1-27 are patentable over the applied references. Applicants respectfully request that the rejections under 35 U.S.C. §102 and §103 be withdrawn.

II. Conclusion

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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JAO:BMH/gpn

Attachment:
Rule 53(d) CPA Transmittal

Date: February 25, 2002

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